

Remarks

To further prosecution of the instant application, Applicant has cancelled – without prejudice or disclaimer – previously presented Claims 54 to 67. Claims 43, 45, 46 and 53 are currently amended, Claims 44 and 47 to 52 are previously presented, and Claims 68 to 74 are new.

Applicant respectfully requests reconsideration.

Election / Restriction under 35 U.S.C. § 121 & 372

As requested in Paragraph 3 of the Office Action, Applicant confirms their election of the subject matter of Group 1. Although currently amended claim 43 now refers to a method of forming an oxygen sensor, the claim recites the features of forming a green ceramic structure and a diffusion hole in that structure. Applicant respectfully submits, therefore, that currently amended Claim 43 is clearly drawn to the same invention that was the subject of previously presented Claim 43.

Rejection of Claims 43 to 53 under 35 U.S.C. § 102 over Tuchinskiy

Claims 43 to 52 stand rejected under § 102 as being unpatentable over Tuchinskiy (US 5,774,779) with evidence provided by Vaidyanathan et al (US 7,360,309) and Keefer et al. (US 4,587,224).

The Examiner is no doubt aware that for a reference to anticipate a claim, the reference must teach ALL of the elements of the Claim (see Verdegaal Bros., Inc. v. Union Oil Co., 814 F.2d 628, 631 (Fed. Cir. 1987)). In addition, the reference must show the claimed invention “in as complete detail as is contained in the patent claims” in order to anticipate the claimed invention (see Richardson v. Suzuki Motor Co., Ltd., 868 F.2d 1226, 1236 (Fed. Cir. 1989)).

Claim 43 is currently amended, and Applicant respectfully submits that Tuchinskiy fails to teach or disclose all of the elements of the currently amended Claim.

In particular, Applicant notes that Tuchinskiy does not disclose or suggest the formation of an oxygen sensor, but is instead concerned with producing multi-channel structures such as “filters, catalyst carriers, heat exchangers, etc....” (Column 1, lines 5 to 10). None of the structures mentioned in Tuchinskiy have an inner cavity that is linked by a diffusion hole to the outside, and indeed it is difficult to imagine how the teaching of Tuchinskiy could be employed

to produce such a structure. It is also of note that Tuchinskiy does not disclose or suggest the positioning of an electrode “on a surface of said oxygen ion conductor that faces said cavity” so that a sensor element is formed when the oxygen ion conductor is sandwiched between that sensor element and a second like element.

Applicant respectfully submits, therefore, that currently amended Claim 43 is clearly novel over Tuchinskiy, and Applicant therefore respectfully requests withdrawal of the rejection of Claim 43 under 35 U.S.C. § 102.

Having regard to the rejection of currently amended Claims 45 and 46, applicant respectfully submits that there is absolutely no suggestion or disclosure in Tuchinskiy as regards the use of a *fibres* for forming a diffusion hole. Tuchinskiy teaches that groups of relatively large rods should be formed, assembled together in a bundle, and the bundle should then be extruded to reduce its diameter (Column 6, lines 24 to 51). It is apparent, therefore, that currently amended Claims 45 and 46 are in fact both novel over Tuchinskiy, and as a result Applicant respectfully requests withdrawal of the rejections previously raised.

As regards the rejection of the remaining claims, Applicant respectfully submits that Claims 44 and 47 to 53 are novel over Tuchinskiy, if only by virtue of their dependence from a novel base claim.

In light of the foregoing, Applicant respectfully submits that the novelty objection against Claims 43 to 53 in view of Tuchinskiy should now be withdrawn.

Rejection of Claims 54-55 & 57 under 35 U.S.C. § 102 (b) over Sakurai

In the action, the Examiner indicated that Claims 54-55 and 57 were anticipated by Sakurai (US 4,574,627). Applicant’s cancellation of these claims, without prejudice or disclaimer, renders this objection moot. Applicant therefore respectfully requests withdrawal of the objection previously raised.

Rejection of Claims 54 & 56 to 64 under 35 U.S.C. § 103

In the action, the Examiner indicated that Claims 54, 56 to 59 & 62 to 64 were obvious over Maskell et al (Detection of Water Vapour or Carbon Dioxide....) in view of Flais et al (US 3,871,981); and that Claims 60 to 61 were obvious over Miyata et al (US 6,214,207).

Applicant's cancellation of these claims, without prejudice or disclaimer, renders this objection moot. Applicant therefore respectfully requests withdrawal of the objection previously raised.

Based on the foregoing amendments and discussion, Applicant respectfully submits the instant application is in condition for allowance, and an action to this effect is respectfully requested. Should the Examiner have any questions concerning this response, he is invited to telephone the undersigned.

Respectfully submitted,

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